

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

CANDACE MCGHEE and CHASITY
BAILEY, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

GRAINER COUNTY, TENNESSEE,
JAMES HARVILLE, CHRIS HARVILLE,
LEONARD DALTON, and TRAVIS
HANK DAVIS,

Defendants.

No.: 2:22-CV-38-KAC-CRW

ORDER CLOSING CASE

Before the Court is the Parties' "Joint Motion to Dismiss" this action, filed on October 5, 2022 [Doc. 14]. In that motion, joined and signed by all Parties who have appeared in this action, the Parties ask the Court to dismiss this action in its entirety, dismissing the named Plaintiffs' claims with prejudice and any claims of yet-unnamed and undefined potential class members without prejudice [*Id.* at 1].

The Federal Rules of Civil Procedure provide two distinct procedures for dismissal that are relevant here. **First**, under Rule 41(a)(1)(A)(ii), "the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." *See* Fed. R. Civ. P. 41(a)(1)(A). "Rule 41(a)(1)(A)(ii) orders, generally speaking are 'self-executing' and do 'not require judicial approval.'" *Exact Software N. Am., Inc. v. DeMoisey*, 718 F.3d 535, 540 (6th Cir. 2013) (quoting *Green v. Nevers*, 111 F.3d 1295, 1301 (6th Cir. 1997)). **Second**, under Rule 41(a)(2), "[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the

plaintiff's request only by court order, on terms that the court considers proper." Here, the Parties, through their "Joint Motion to Dismiss" [Doc. 14], have satisfied the requirements for dismissal as a matter of right under Rule 41(a)(1)(A)(ii). As such, the Parties' stipulation of dismissal was effective upon filing on October 5, 2022, and no order from this Court is required. *See Exact Software N. Am., Inc.*, 718 F.3d at 540; *see also Dillon-Barber v. Regents of the Univ. of Mich.*, 51 F. App'x 946, 951 (6th Cir. 2002). Because there are no issues remaining in this case, an appropriate judgment shall enter.

IT IS SO ORDERED.

s/ Katherine A. Crytzer
KATHERINE A. CRYTZER
United States District Judge